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OSD	USIA	NSA 1

DEPARTMENT OF STATE

AIRGRAM

CON 4 JAP-US

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A-561
NO.

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HANDLING INDICATOR

TO : Amembassy, TOKYO.

DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY
DATE 3 MAY 1978
RDS☐ or XDS☐ EXT. DATE
TS AUTH. REASON(S)
ENDORSE EXISTING MARKINGS ☐
DECLASSIFIED☐ RELEASABLE☒
RELEASE DENIED☐
EXEMPTIONS
MAR 12 4 54 PM '63

FROM : Department of State

SUBJECT : Consular Convention with Japan

REF : Embtel 2108, March 10, 1963; Embassy's A-1193, February 15, 1963; A-886, December 20, 1962; A-764, November 26, 1962; A-695, November 16, 1962.

The Department recognizes the concern expressed in Embtel 2108; therefore, the Full Power issued by the President is herewith enclosed with the understanding that the signing of the convention and protocol must be delayed until final authorization is received. This authorization will be sent by telegram at the earliest possible moment. Meanwhile, the Embassy may desire to proceed with the engrossment and preparation for signature of the official texts of the convention and protoool.

The Department is proceeding under the assumption that the signing of the convention and protocol will take place in Tokyo, the engrossing thereof at the Japanese Foreign Office, and the exchange of ratifications in Washington.

The following suggestions are offered for the Embassy's further guidance:

(1) The Embassy officers handling the matter should familiarize themselves with the directions at 11 FAM 300 in regard to the treaty-making procedures.

(1)

(2) It is expected that the documents will be engrossed (whether typed or printed) in the Foreign Office upon its customary treaty paper. The Embassy may lend assistance to the Foreign Office, at its request. Both the Japanese and English texts should be prepared on the same kind of treaty paper.

Decontrolled following signing of the convention.

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FORM 4 102 DS-323

Drafted by: L:L/A:LHHoover:eg 3-11-63

Contents and Classification approved by: L/A - Leo D. Harris

Clearances: L/T - Mr. Whittington WW

FE - Mr. Swayne

CLASSIFICATION

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(3) When the engrossing for signature has been completed, the Embassy should be given ample opportunity before the signing ceremony to examine the engrossed documents to assure that they conform to the agreed English and the corresponding Japanese, as the case may be. It is presumed, in this connection, that the agreed English text is the draft furnished to the Department by the Embassy as an enclosure to Embassy's A-695 of November 16, 1962, as amended only by Embassy's A-764, A-886 and A-1193. It should be noted that all suggested changes in these referenced airgrams are hereby approved with the exception of the change proposed in paragraph 2 of A-886, commented on in a Department telegram dated March 11, 1963. It should also be noted that further changes may be necessary before authorization to sign is final.

(4) An officer of the Embassy should prepare, for transmission to the Department, a memorandum certifying to the examination of the final Japanese text and its conformity with the English. It is presumed that the agreed Japanese text incorporates the changes noted in Embassy's A-1193.

(5) There should be two originals, each with English and Japanese texts, prepared in final form for signature in accordance with the "alternat" principle, as explained in 11 FAM 323.2.

(6) It is preferable that the United States original not be bound in a leather or other heavy binder. Protective sheets of treaty paper, front and back, or other protective paper covers are adequate.

(7) The names and titles of the respective plenipotentiaries should be inserted in the preamble (observing the "alternat" principle). The date of signature must, of course, be inserted in the final paragraph of the convention and the protocol, this being done in the Foreign Office after final arrangements for the signing ceremony have been made.

(8) The Embassy may find helpful as a model format The Treaty of Friendship, Commerce and Navigation between the United States and Japan (TIAS 2863).

(9) After the convention and protocol have been signed, the United States original, together with the memorandum mentioned in (4) above, should be forwarded as promptly as possible for the attention of the Assistant Legal Adviser for Treaty Affairs.

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(10) A draft press release is being sent by separate communication for coordination with the Japanese Government. The Embassy is requested to promptly inform the Department by cable of the actual signing of the convention and protocol so that the press release can be issued immediately.

Enclosure:

Full Power.

RUSK

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